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12 Attorneys for Defendants Temujin Labs Inc.
 (Delaware) and Temujin Labs Inc. (Cayman)
 13

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN JOSE DIVISION

17 ARIEL ABITTAN,

18 Plaintiff,

19 v.

20 LILY CHAO (A/K/A TIFFANY CHEN, A/K/A
 21 YUTING CHEN), DAMIEN DING (A/K/A
 DAMIEN LEUNG, A/K/A TAO DING),
 22 TEMUJIN LABS INC. (A DELAWARE
 CORPORATION), AND TEMUJIN LABS INC.
 23 (A CAYMAN CORPORATION),

24 Defendants,

25 and

26 EIAN LABS INC.,

27 Nominal Defendant.
 28

Case No.: 5:20-cv-09340-NC

**NOTICE OF PENDENCY OF OTHER
ACTION OR PROCEEDING**

(Civil L.R. 3-15)

Judge: Hon. Nathanael Cousins

Date Action Filed: December 24, 2020

1 Pursuant to Civil Local Rule 3-13, defendant Temujin Labs Inc. (Delaware) (“Temujin
2 Delaware”) hereby gives notice of the pendency of *Temujin Labs Inc. v. Abittan, et al.*, Case No.
3 20CV372622, filed November 6, 2020, in the Superior Court of California, County of Santa
4 Clara, assigned to the Honorable Sunil R. Kulkarni, Department 1 (the “State Court Action”). On
5 January 8, 2021, Temujin Delaware filed its “Notice of Related Case” in the State Court Action
6 identifying the State Court Action and the present action as related pursuant to California Rule of
7 Court (“CRC”) 3.300(b). A copy of that notice is attached hereto as **Exhibit 1** (as required by
8 CRC 3.300(d)).

9 Temujin Delaware brought the State Court Action against Ariel Abittan (plaintiff in the
10 instant case), Benjamin Fisch, Charles Lu, and unidentified “Doe” defendants. Mr. Abittan was
11 served in the case on November 24, 2020. The State Court Action seeks declaratory relief, and
12 pursues causes of action for civil conspiracy, tortious interference, breach of contract,
13 misappropriation of trade secrets, violation of California Penal Code § 502(c), conversion, and
14 breach of fiduciary duty in connection with the development of “Findora” blockchain-based
15 technology. Mr. Abittan brought the instant case against Temujin Delaware, the Cayman entity
16 which wholly owns it (“Temujin Cayman”), and two individuals, asserting a variety of state and
17 federal claims associated with the ownership and development of Findora blockchain-based
18 technology.

19 At the core of the prior-filed State Court Action and plaintiff’s federal case is an
20 ownership dispute arising from Eian Labs Inc.’s (“Eian”) sale of Findora-related assets to
21 Temujin Cayman. In the State Court Action, Temujin Delaware alleges that Mr. Abittan
22 wrongfully interfered with its business by falsely representing that he or Eian is the rightful owner
23 of the assets acquired from it by Temujin Cayman, including Findora and any associated
24 intellectual property and related social media and development accounts. In the present case, Mr.
25 Abittan alleges that his consent to the asset sale to Temujin Cayman was fraudulently induced
26 and, thus, that the transaction was wrongful. Accordingly, the two cases involve “all or a material
27 part of the same subject matter” of a dispute between the “same parties.” Civ. L.R. 3-13(a).

28 Temujin Delaware anticipates moving to dismiss all claims asserted against it in the

1 instant case. Among the many reasons for dismissal is the fact that Mr. Abittan was required to
2 bring his claims against Temujin Delaware as compulsory counterclaims in the earlier-filed State
3 Court Action, not here in a duplicative and inefficient parallel action in a new forum. Should
4 Temujin Delaware somehow not prevail on its motion to dismiss, it will request that this Court
5 issue appropriate orders to coordinate the two cases to avoid conflicts, conserve resources, and
6 promote an efficient determination of the action.

7
8 Dated: March 3, 2021

FENWICK & WEST LLP

9 By: /s/ Jennifer Bretan
10 Jennifer Bretan

11 Attorneys for Defendant Temujin Labs Inc.
12 (Delaware)

FENWICK & WEST LLP
ATTORNEYS AT LAW

Exhibit 1

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12 Attorneys for Plaintiff
Temujin Labs Inc.

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF SANTA CLARA

16 TEMUJIN LABS INC.,

17 Plaintiff,

18 v.

19 ARIEL ABITTAN, BENJAMIN FISCH,
20 CHARLES LU, and DOES 1-10,
inclusive,

21 Defendants.

E-FILED
1/8/2021 2:15 PM
Clerk of Court
Superior Court of CA,
County of Santa Clara
20CV372622
Reviewed By: R. Walker

Case No.: 20CV372622

NOTICE OF RELATED CASE

ASSIGNED FOR ALL PURPOSES TO:
The Hon. Sunil R. Kulkarni,
Department 1 (Complex Division)

Date Action Filed: November 6, 2020

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD AND TO THE**
 2 **CLERK OF COURT:**

3 **PLEASE TAKE NOTICE THAT**, in accordance with California Rule of Court (“CRC”) 3.300(b), plaintiff Temujin Labs Inc. (“Temujin Labs”) hereby files this Notice of Related Case. The above-captioned action, *Temujin Labs Inc. v. Abittan, et al.*, Superior Court of California, Santa Clara County, Case No. 20CV372622 (filed Nov. 6, 2020), is an action against defendants Ariel Abittan, Benjamin Fisch, Charles Lu, and unidentified Doe defendants for declaratory relief, civil conspiracy, tortious interference, breach of contract, misappropriation of trade secrets, violation of California Penal Code § 502(c), conversion, and breach of fiduciary duty in connection with the development of the Findora blockchain. The present action is related to the subsequently filed case, *Abittan v. Chao, et al.*, U.S. District Court, Northern District of California, San Jose Division, Case No. 5:20-cv-09340, Magistrate Judge Nathanael M. Cousins currently presiding (filed Dec. 24, 2020) (“*Abittan v. Chao*” or the “Federal Case”). In the Federal Case, Mr. Abittan (a defendant here) has sued Temujin Labs, its parent company, and two individuals, asserting a variety of alleged state and federal claims also associated with the development of the Findora blockchain.

17 The instant state case and the Federal Case are related as defined by CRC 3.300(a),
 18 because both cases:

- 19 (1) involve substantially the same or overlapping parties and are based on the same or
 20 similar claims;
- 21 (2) arise from the same or substantially identical transactions, incidents, or events
 22 requiring the determination of the same or substantially identical questions of law or
 23 fact;
- 24 (3) involve claims against, title to, possession of, or damages to the same property; and
- 25 (4) are likely to require substantial duplication of judicial resources if heard by different
 26 judges.

27 For example, each case arises out of the transfer by Eian Labs Inc. (“Eian Labs”) to
 28 Temujin Labs of certain intellectual property, including related to the development of the Findora

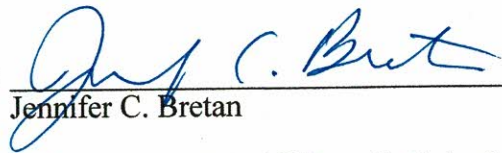
1 blockchain, and subsequent claims to ownership thereof. In the instant case, Temujin Labs
2 alleges that Mr. Abittan thereafter interfered with its business by making false representations that
3 he or Eian Labs is the rightful owner of Temujin Labs and/or its intellectual property. In the
4 Federal Case, Mr. Abittan alleges that his consent to the transfer of Eian Labs' intellectual
5 property was "fraudulently induced." Consequently, the two cases are likely to require
6 "determination of the same or substantially identical questions of law or fact" as well as
7 "substantial duplication of judicial resources if heard by different judges."

8 Respectfully submitted,

9 Dated: January 8, 2021

FENWICK & WEST LLP

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11 By:


Jennifer C. Bretan

12 Attorneys for Plaintiff Temujin Labs Inc.
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